MYSORE ACT No. LVII OF 1948.

THE RETROCEDED AREA (APPLICATION OF LAWS) ACT, 1948.

(Promulgated by His Highness the Maharaja on the 5th day of August 1948.)

WHEREAS it is necessary to provide for the application of laws to the Retroceded Area;

His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Act may be called the Retroceded Area (Application of Laws) Act, 1948.

(2) It extends to the whole of Mysore.

(3) It shall come into force on and from the fifteenth day of August 1948 which day will hereinafter be referred to as the "appointed day."

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "Bangalore Civil Station" means the area jurisdiction over which has been restored on the 26th day of July 1947 under Political Department Notification No. 184-P., dated 23rd July 1947 and published in the official Gazette, dated 1st August 1947 together with the military area described in Schedule A annexed to the said Notification jurisdiction over which has been restored on the 14th day of August 1947.

(*b*) "Civil and Military Station" means the area comprised within the boundaries of the Civil and Military Station, Bangalore, prior to the 19th day of July 1947.

(*c*) "Indian Institute of Science area" means the area jurisdiction over which has been restored on the 19th day of July 1947 under Political Department Notification No. 174-P., dated 16th July 1947 and published in the official Gazette, dated 21st July 1947.

(*d*) "Railway lands" means the lands in Mysore occupied by the Bangalore-Madras Branch of the Madras and Southern Mahratta Railway including the Hindustan

Aircraft siding and the Hospital Town Extension, jurisdiction over which has been restored on the 2nd day of August 1947 under Political Department Notification No. 197-P., dated 30th July 1947 and published in the official Gazette dated 2nd August 1947.

(*e*) "Retroceded Area" means the Bangalore Civil Station, the Railway lands and the Indian Institute of Science area.

(*f*) "Law" includes Act and any regulation, rule, bye-law, notification or order having the force of law.

3. Except as hereinafter in this Act provided,—

(*a*) all laws in force in Mysore shall apply to the Retroceded Area ; and

(*b*) the laws in force in the Retroceded Area immediately before the appointed day shall not, from that day, have effect or be operative in the Retroceded Area.

4. The enactments in force in Mysore which are set out in the first column of Schedule A to this Act shall apply to the Retroceded Area subject to the modifications and restrictions specified in the second column of the said Schedule and the provisions of this Act.

5. The enactments in force in the Retroceded Area immediately before the appointed day which are set out in the first column of Schedule B to this Act shall from that day apply to the Retroceded Area subject to the modifications and restrictions specified in the second column of the said Schedule and the provisions of this Act.

6. Any enactment applied under section 5 shall, except where the context otherwise requires and except in the modifications and restrictions referred to in section 5, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the following table were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table,—

Central Government	The Government.
Governor-General or Governor-General in Council.	
Federal Railway Authority	
Provincial Government	

Governor	The Government.
Chief Controlling Revenue Authority ...	
His Majesty or Crown or Crown Representative.	
Resident	
Central Board of Revenue	
High Court	High Court.
Court of the Resident	
Official Gazette of the Crown Representative	Official Gazette.
Gazette of India	
Official Gazette of the Resident ...	
Residency Orders	
British India	Retroceded Area.
Any Province in British India or any part thereof.	
Province	
Civil and Military Station	

7. Any court may construe the provisions of any enactment applied under section 5 and of any notification, order, bye-law, rule or regulation made or issued thereunder with such modifications not affecting the substance thereof as may be necessary or proper in order to adapt them to the matter before the court.

8. The enactments in force in Mysore which are specified in Schedule C to this Act shall not apply to or be operative in the Retroceded Area.

9. Where in any suit or other proceeding whatever filed or initiated in a court in Mysore after the appointed day and relating to or arising out of any act or transaction done or entered into in the Retroceded Area prior to that day, it is necessary to decide any question of personal law which has not been provided for in any enactment in force in the Retroceded Area immediately before that day, the personal law applicable to the matter in the Retroceded Area immediately before that day shall form the rule of decision.

10. In so far as they are not inconsistent with this Act, the provisions of the General Clauses Act, 1899, shall apply to this Act and the enactments applied by this Act, and the provisions of section 31 of the General Clauses Act, 1899 shall apply to the enactments specified in section 5 of this Act as if these enactments had been expressed to be applied *mutatis mutandis* to the Retroceded Area.

(*Schedule A*)

11. The Retrocession (Application of Laws) Act, 1947, (Act XXIII of 1947) is hereby repealed.

But anything done, or any action taken, or appointments made or powers conferred under the provisions of any law in force immediately prior to the appointed day in the Retroceded Area shall be deemed to have been done, taken, made or conferred under the provisions of law in force in the Retroceded Area from that day.

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SCHEDULE A.

(*Section 4*)

Enactments applied.	*Modifications and restrictions.*
The General Clauses Act, 1899.	In its application to the Acts specified in section 5, this Act shall read as if definitions of words and expressions used in any of the aforesaid Acts and not defined in this Act were included therein as they are defined in the General Clauses Act, 1897, as in force in the Retroceded Area immediately before the appointed day.
The Mysore Limitation Act, 1911.	Section 29 shall be renumbered as sub-section (1) of that section and the following sub-section added as sub-section (2). "(2) Nothing in this Act shall apply to suits under the Indian Divorce Act as in force in the Retroceded Area."
The Guardian and Wards Act, 1911.	For section 3 (1) substitute: "Minor" means a person who under the provisions of the Indian Majority Act, 1875, as in force in the Retroceded Area is to be deemed to have not attained his majority."
The Negotiable Instruments Acts 1917.	The Act shall read as if section 85-A of the Negotiable Instruments Act, 1881, as in force in the Retroceded Area immediately before the appointed day had been inserted therein.
The Transfer of Property Act, 1918.	The Act shall read as if the following section had been inserted therein as section 2-A. "Notwithstanding anything in this Act any right or liability arising in the Retroceded Area out of a legal relation constituted before the appointed day or any relief in respect of such right or liability shall, where it pertains to the Retroceded Area, be governed by the provisions of law as then in force in the Retroceded Area."

(*Schedule A*)

Enactments applied.	*Modifications and restrictions.*
The Mysore Income-tax Act, 1923.	1. Omit sub-section (4) of section 2 of the Mysore Excess Profits Tax Act, 1946.
The Mysore Excess Profits Tax Act, 1946.	2. Notwithstanding anything to the contrary in the Mysore Income-tax Act, 1923, or the Mysore Excess Profits Tax Act, 1946—

(*a*) the rate or rates of income-tax or excess profits tax applicable to the total income or profits chargeable to income-tax or excess profits tax in the Retroceded Area prior to the first day of July 1948, shall be the same rate or rates as are specified in similar circumstances in the Indian Income-tax Act, 1922, or the Excess Profits Tax Act, 1940, as in force in the Retroceded Area, immediately prior to the first day of July 1948;

(*b*) in respect of the total income or profits chargeable to income-tax or excess profits tax in the Retroceded Area prior to the first day of July 1948, but which has not been assessed until that date, the provisions of the Indian Income-tax Act, 1922, and the Excess Profits Tax Act, 1940, as in force in the Retroceded Area immediately before that date shall apply to proceedings relating to the assessment of such income or profits until the stage of assessment, and the determination of the income-tax and excess profits tax payable thereon, and the Mysore Income-tax Act, 1923, or the Mysore Excess Profits Tax Act, 1946, as the case may be, shall apply to such proceedings after that stage;

(*c*) any appeal or application pending before an income-tax or excess profits tax authority in the Retroceded Area immediately prior to the first day of July 1948 shall be deemed, on that date, to be an appeal or application pending before an income tax or excess profits tax authority in Mysore vested with or ordinarily exercising the functions of such authority and the Indian Income-tax Act, 1922, or the Excess Profits Tax Act, 1940 as the case may be, as in force in the Retroceded Area immediately prior to the first day of July 1948, shall apply to such appeal or application;

(*d*) in respect of any assessment of income-tax or excess profits tax made in the Retroceded

(*Schedule A*)

Enactments applied	*Modifications and restrictions.*
	Area prior to the first day of July 1948 or an order passed by an Appellate Assistant Commissioner of Income-tax on appeal from an order of assessment of income in the Retroceded Area prior to that date, an appeal or application shall lie to the income-tax or excess profits tax authority in Mysore who would have been entitled to hear such appeal or application if the order of assessment or appeal had been made in Mysore, provided that the appeal or application is filed or preferred in the circumstances and within the time within which such an appeal or application should have been filed or preferred under the law in force in the Retroceded Area immediately before that date, and the provisions of the Indian Income-tax Act, 1922 and the Excess Profits Tax Act, 1940, as the case may be, as in force in the Retroceded Area immediately prior to the first day of July 1948 shall apply to such appeal or application ; (c) where more than half of the total income of any individual, Hindu undivided family, unregistered firm or other association or individuals not being a registered firm or company, accruing, arising or received during the year ending on the 30th day of June 1948, consists of income from salaries, interests on securities or dividends or consists of income falling under more than one of these heads, income-tax and super-tax shall be charged in respect of any such total income at the rates applicable to such income in the Retroceded Area immediately before the first day of July 1948.
The Mysore Companies Act, 1938.	1. Nothing in sections 87-A and 87-C shall apply to the term of office or remuneration of a Managing Agent appointed prior to the appointed day under the Indian Companies Act, 1913, as in force in the Retroceded Area immediately before that day. 2. This Act shall read as if the following section had been inserted therein as section 252:— "252. All Companies incorporated outside the Retroceded Area and having places of business in the Retroceded Area which have complied with the requirements laid down in section 277 of the Indian Companies Act, 1913 as in force in the Retroceded Area before the appointed day

(*Schedules A and B*)

Enactments applied.	*Modifications and restrictions*
	shall be deemed to have complied with the requirements laid down in this Act." 3. In section 277-K (3) after the words "Government securities" add "or Government of India Securities or other securities approved by the Government," and at the end of 277-K (3) add the following proviso :— "Provided further that every banking company in the Retroceded Area which has complied with the requirements of 277-K of the Indian Companies Act, 1913, as in force in the Retroceded Area immediately before the appointed day shall be deemed to have complied with the requirements of this section." 4. To section 282-B (2) the following proviso shall be added :— "Provided that a Provident Fund constituted in the Retroceded Area prior to the appointed day which has complied with the requirements of section 282-B (2) of the Indian Companies Act, 1913, as in force in the Retroceded Area immediately before that day shall, where it pertains to the Retroceded Area, be deemed to have complied with the requirements of this section."

SCHEDULE B.

(*Section 5.*)

The Indian Divorce Act 1869 (IV of 1869).	(1) The provisions of the Act as applied shall be applicable only to persons to whom the Special Marriage Act, 1872, as in force in the Retroceded Area applies and to persons not being British subjects who profess the Christian religion. (2) In section 1 omit "and shall come into operation on the first day of April 1869." (3) In section 2 omit the first paragraph. (4) In section 3 omit clause (1) and clause (2). (5) Omit sections 4, 5 and 17-A.
The Special Marriage Act, 1872 (III of 1872).	In section 17 after "Indian Divorce Act" insert "as in force in the Retroceded Area".

(*Schedule B*)

Enactments applied	*Modifications and restrictions*
The Indian Majority Act, 1875 (IX of 1875)	(1) Omit the second sentence of section 1. (2) In section 3 for "British India" substitute "India or the Retroceded Area".
The Khazis Act, 1880 (III of 1880).	Omit the second paragraph of section 1.
The Indian Trusts Act, 1882 (II of 1882)	(1) In section 1 omit the words from "and it shall come into force" to "British India". (2) In section 20 : (i) Clauses (*a*) to (*d*) shall stand unmodified and the modifications set out in section 6 of this Act shall not apply. (ii) at the end of clause (*d*) insert " or in debentures or other securities for money issued by the Government of Mysore or in debentures or other securities for money issued by or on behalf of any local authority under powers conferred by any law in force in Mysore." (iii) in clause (*e*) for "British India" substitute, "India or in Mysore"
The Mussalman Wakf Validating Act, 1913 (VI of 1913)	Omit sub-section (2) of section 1.
The Indian Boilers Act, 1923 (V of 1923).	(1) Omit sub-section (2) and (3) of section 1. (2) Omit clause (*aa*) of section 2 (3) Omit section 27 A. (4) In section 28, for the word "Board" substitute "Government."
The Provident Funds Act, 1925 (XIX of 1925).	(1) Omit sub-sections (2) and (3) of section 1 (2) In sub-sections (1), (2) and (3) of section 8 for " appropriate Government " substitute "Government" and omit sub-section (4).
The Indian Succession Act, 1925 (XXXIV of 1925)	(1) Omit section 57. (2) In section 58, omit the words "save as provided by section 57". (3) Omit section 264 (2), section 265 (2), Proviso to section 273, sections 274, 276 (3), 278 (2), 279, 283 (3), 298, 300, 380, 382, 390, item (iv) in section 391 and schedule III.
The Child Marriage Restraint Act, 1929 (XIX of 1929)	(1) Omit sub-sections (2) and (3) of section 1 (2) In section 8, omit "a Presidency Magistrate or".

(Schedules B and C)

Enactments applied	*Modifications and restrictions*
The Parsi Marriage and Divorce Act, 1936 (III of 1936)	(1) Omit sub-sections (2) and (3) of section 1.
The Employers' Liability Act, 1938 (XXIV of 1938).	Omit sub-section (2) of section 1.
The Employment of Children Act, 1938 (XXVI of 1938).	(1) Omit sub-section (2) of section 1, clause (*a*) of section 2, sub-section (2) of section 3, in sub-section (3) of section 5, the words "a Presidency Magistrate or" and section 8. (2) In section 3B, omit the words "after the 1st day of October 1939". (3) In section 6 and 7 for "competent authority" substitute "Government".
The Arbitration Act, 1940 (X of 1940)	Omit sub-sections (2) and (3) of section 1.
The Bangalore Municipal Law, 1897.	(1) For "Civil and Military Station" wherever it occurs read "Civil Station". 2. In section 50 (1) omit the words from "the officer holding the appointment of" to the end, and substitute the words "any Magistrate having jurisdiction in the station by whom under the directions of the Government or the District Magistrate such class of cases is to be tried".

SCHEDULE C.

(Section 8.)

1. The Indian Succession Act, 1865, as applied to Mysore.
2. The Mysore Infant Marriage Prevention Act, 1894.
3. The Succession Certificates Act, 1914.
4. The Probate and Administration Act, 1914.
5. The Provident Funds Act, 1916.
6. The Arbitration Act, 1917.
7. The Mysore Steam-boilers and Prime-movers Act, 1920.